



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 17, 2006

REGISTERED MAIL

Wahkiakum County Public Works
Chuck Beyer
Public Utilities Director and County Planner
64 Main Street
Cathlamet, WA 98612

RE: Water Quality Certification Order #2983 and Coastal Zone Management consistency determination for Corps Public Notice No. 200500547 to Disposal of dredged material determined suitable for open water disposal into scour holes at Pancake Point and Welcome Slough located along the nearshore of Puget Island, Wahkiakum County, on Puget Island, Wahkiakum County, Washington

Dear Mr. Beyer:

On June 13, 2005, Wahkiakum County, submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed Pancake Point and Welcome Slough disposal sites. The project proposes to dispose of dredged material determined suitable for open water disposal into scour holes at Pancake Point and Welcome Slough located along the nearshore of Puget Island, Wahkiakum County. The U.S. Army Corps of Engineers issued a public notice on June 13, 2005 for the proposed project.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

On July 5, 2005 Wahkiakum County submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the applicant's determination that the proposed work is consistent with Washington's CZMP. This concurrence is based upon the applicant's compliance with all applicable



enforceable policies of the CZMP, including Section 401 of the Federal Water Pollution Control Act.

This letter also serves as the State response to the Corps of Engineers' June 13, 2005 Public Notice

If you have any questions, please contact Cinde Donoghue at 360 407 7257. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenden McFarland', with a long horizontal line extending to the right.

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington

Enclosure

cc: David Martin – US Army Corps of Engineers
Danette Guy - WDFW Southwest Region 5 office

E-cc: Penny Keys – HQ
Loree' Randall – HQ
Perry Lund –SWRO
Cinde Donoghue - HQ

DEPARTMENT OF ECOLOGY

In the Matter of Granting a Water)	ORDER No. #2983
Quality Certification/Modification to:)	Disposal of dredged material determined
Wahkiakum County)	suitable for open water disposal into scour
In Accordance with 33 U.S.C. 1341)	holes at Pancake Point and Welcome Slough
[FWPCA § 401], RCW 90.48.260, and)	located along the nearshore of Puget Island,
WAC 173-201A)	Wahkiakum County.
)	
)	

TO: Chuck Beyer
Public Utilities Director and County Planner
Wahkiakum County
Cathlamet, WA 98612

On June 13, 2005, Wahkiakum County submitted a request for a 401 water quality certification (401 Certification) from the State of Washington Department of Ecology (Ecology) pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The request sought a 401 Certification for the County's proposal to identify two scour holes along the nearshore of Puget Island for disposal of material dredged from nearby dredge projects that have material characterized as suitable for open water disposal according to the Dredge Material Evaluation Framework, including but not limited to material dredged from maintenance of the lower Columbia River navigation channel, material dredged from the entrance to the ferry terminal or material dredged for diking district projects. The request for certification was made available for public review and comment on June 13, 2005.

The County's request for a 401 Water Quality Certification is a necessary step in making these scour holes available to accept disposal of dredged material.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCW 90.48120, and RCW 90.48 260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48 010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. 1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize Wahkiakum County to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Wahkiakum County from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean Wahkiakum County and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to the Department of Ecology, SEA Program, Attn: Federal Permit Coordinator, P.O. Box 47600, Olympia, WA 98504-7600. Any submittals shall be identified with Order No. 2983 displayed.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on June 13, 2005. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of an updated JARPA Ecology will determine if a modification to this Order is required.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers (Corps) does not issue a Section 404 permit. It shall also be withdrawn if the project is revised in such a manner or purpose that Ecology determines the revised project requires a new authorization and public notice. The Applicant will then be required to reapply for a 401 Water Quality Certification by submitting a new JARPA to Ecology.
6. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
11. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000.00) per violation for each day of continuing noncompliance.

B. Establishing an Interagency Sediment Disposal Team:

The Applicant shall take the lead on establishing an Interagency Dredge & Disposal Team that will include representatives from resource agencies including National Marine Fisheries Service, National Fish and Wildlife Service, WA Department of Ecology, WA Department of Natural Resources to develop a list of sites along the county shoreline that could benefit from the disposal of dredge material. The team will be kept informed of any shoreline, flood, or watershed planning activities that could incorporate a more comprehensive approach to beneficial placement of dredge material. The ultimate goals for this team include the following:

1. Develop a proposal to integrate dredging and disposal of dredge material in Wahkiakum County into the Columbia River Regional Sediment Management program;
2. Develop specific policies regarding dredging and dredge placement to incorporate Regional Sediment Management principles into all county plans and programs applicable to the management of shorelines, flooding and erosion hazards.

C. Dredged Material Disposal:

A qualitative assessment of sediments is necessary to determine the suitability of sediments for

the disposal in the scour holes at Pancake Point and Welcome Slough which results in discharges to waters of the State of Washington.

To be considered suitable for the above disposal options, the sediments must be sampled and characterized in conformance with the sediment evaluation guidelines developed for application to the lower Columbia River, the *Dredged Material Evaluation Framework* dated December 1998 or any updates to this manual adopted by the WA Department of Ecology.

D. Flowlane Disposal:

The following conditions apply to disposal of dredged material in the flowlane of the Columbia River:

1. Disposal of material shall be conducted in a manner that prevents mounding of the disposed material.
2. Flowlane disposal by a hopper dredge or a bottom dump scow is approved provided the disposal sites are located:
 - a. At Welcome Slough along Puget Island Nearshore
 - b. At Pancake Point along Puget Island Nearshore

These sites have been selected because they have been determined through monitoring and research findings, reviewed and accepted by Ecology to indicate strong evidence of (i) highly erosive conditions, (ii) disposal here is not likely to cause significant increase in shoaling in downstream side channels or to shoreline facilities such as docks, wharfs, vessel slips and marinas and (iii) disposal at these sites is not likely to cause significant adverse alteration to nearshore habitat critical to salmonid survival or to bottom habitats critical to the life history of white sturgeon

- i. Ecology will consider the use of alternative methods for flowlane disposal, such as a flat-topped barge unloaded by a small earth mover, however, the use of an alternative disposal method shall require special review and approval by Ecology under this Order prior to usage
- ii. Flowlane sites may be used for the disposal of sediments dredged by pipeline provided the dredged material is discharged through a downspout that is lowered at least 20 feet into the water column.
- iii. Monitoring of this flowlane disposal shall occur to assess at a minimum: changes in estuarine sedimentation and bathymetry and potential direct and indirect effects of disposal on estuarine species.

E. Shoreline Disposal by Pipeline Dredge:

The following conditions apply to pipeline dredging operations that involve the unconfined or partially confined disposal of dredged material on or immediately adjacent to the shoreline. Historically, this manner of disposal has been used primarily for erosion control, such as to protect property or structures, to nourish actively eroding beaches, and to fill fish stranding sites. Shoreline disposal may also be done to enhance, restore or create various riverine habitat features such as a spit or lagoon.

Beach nourishment is the most common shoreline disposal activity and is done by pumping a slurry of sand and water directly onto an actively eroding beach. The sand settles out on the beach while the turbid water or runoff flows back into the river.

1. Shoreline disposal operations, and particularly beach nourishment, may result in the placement of dredged material waterward of the ordinary high water mark. In such cases, the disposal site shall be regraded to an approximate slope of 10 to 15 percent, with no swales.
2. Impacts to riparian vegetation at shoreline disposal sites shall be avoided or minimized whenever possible.
3. Erosion control measures shall be carried out to prevent the wind erosion of dredged material back into the channel.
4. Natural habitat features of Columbia River shorelines include large woody debris (LWD) such as trees, logs and stumps. Trees and logs are considered to be LWD if longer than 4 feet and greater than 12 inches in diameter. Whenever feasible, LWD shall be removed and set aside prior to the start of a shoreline disposal operation and then relocated on the shoreline or beach after the disposal area is regraded to a 9 to 1 slope or steeper. Consideration should be given to the placement of imported LWD to enhance habitat value and to help slow future erosion of the site.
5. Monitoring:
 - a. The Applicant is responsible for ensuring that a Monitoring Program will be implemented that includes, at a minimum, the following tasks:
 - i. Pre-disposal bathymetry - Prior to disposal into the scour holes, a baseline bathymetric (riverbed) and topographic (shoreline) survey shall be performed in a longshore area that includes the scour holes and near-bank areas and extending at least one-half mile upstream and downstream of the holes and shoreward to include the mean low high water and to the top of the river bank. A map clearly delineating the limits of the monitoring area will be included in the pre-disposal bathymetry report.

- ii. Post-disposal bathymetry – Bathymetric surveys will be performed over the same area as conducted for the pre-disposal baseline survey. These post-disposal surveys will be conducted immediately following disposal of the material, 6 months post disposal, one year post-disposal and annually thereafter for a period of five years unless, prior to that time, the scour holes either become part of subsequent stabilization project or the monitoring results indicate that the two project areas are sufficiently stable to require no further monitoring. These bathymetric surveys are required to demonstrate the effectiveness of the sediment placement and the need for additional future placement and to provide information for the development of a long-term solution to managing the erosion at the two scour holes.
- iii. Reports – Prior to disposal a monitoring plan will be submitted to Ecology including the specifics described in (i) above. Following the first year of disposal in the scour holes, a report shall be generated including a map delineating the scour holes and extent of the monitoring area, results of the bathymetric surveys, aerial and on-site photography documenting site conditions, the volumes of dredged material placed, the locations of placement, and an estimate of the volume sediment transported away from the holes, an estimate of the remaining sediment within the scour holes and an estimate of the volume necessary to maintain the stability of the side sloughing in the holes for the following dredging year

F. Emergency and/or Contingency Measures:

If disposal operations are found not to be in compliance with the provisions of this order, or result in conditions causing distressed or dying fish or wildlife or disturbed habitat, the operator shall immediately take the following actions:

- i. Cease operations
- ii. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- iii. In the event of finding distressed or dying fish, the operator shall collect fish specimens and water samples in the affected area and, within the first hour of such conditions, make every effort to have the water samples analyzed for dissolved oxygen and total sulfides. Ecology may require such sampling and analyses before allowing the work to resume.
- iv. Notify Ecology and the Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.

G. Spill Prevention and Control:

1. Any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited.
2. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters. Proper security shall be maintained to prevent vandalism.
3. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled substances and used cleanup materials.
4. Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately to Ecology's Southwest Regional Office at (360) 407-6300 (a 24-hour phone number).

H. Duration of Water Quality Certification (WQC):

This WQC shall remain in effect for a period of five (5) years from date of issuance. Continuing disposal to these sites beyond the five year term of this Order will require separate certifications every five years.

1. Ecology reserves the option to reassess the terms of this Order and amend or revoke, as necessary, in the event that:
 - i. new sources of potential contamination are discharged or otherwise stand to significantly affect the quality of sediments dredged from the lower Columbia River navigation channel, or
 - ii. new information indicates that dredging and/or disposal activities are having a significant adverse impact on water quality or characteristic uses of the lower Columbia River.

I. Notification:

1. The Applicant or their designated contractor shall notify Ecology at least 7 days prior to the scheduled start of disposal to these sites in any year. The Ecology person to contact is Cinde Donoghue at (360) 407-7257.

J. Appeal Process:

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:
The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:
The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608

In addition, please send a copy of your appeal to:
Federal Permit Appeals Coordinator
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For additional information. Environmental Hearings Office Website: <http://www.eho.wa.gov>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch 43.21B RCW

Dated Feb 17, 2006 at Lacey, Washington



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington